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Attorneys for Defendants

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re: : Chapter 11
ORION HEALTHCORP, INC. : Case No. 18-71748 (AST)
Debtors. : (Jointly Administered)

HOWARD M. EHRENBERG IN HIS CAPACITY :
AS LIQUIDATING TRUSTEE OF ORION : Adv. Pro. No. 20-08052 (AST)
HEALTHCORP, :
INC., ET AL., :
Plaintiff, :
v. :
ABRUZZI INVESTMENTS, LLC; JOHN :
PETROZZA, :
Defendant(s).-----

**AMENDED NOTICE OF MOTION FOR SUMMARY JUDGMENT; DEFAULT
JUDGMENT; TO STRIKE; AND OPPOSITION TO PLAINTIFF'S MOTION
FOR DEFAULT JUDGMENT**

PLEASE TAKE NOTICE, that upon the annexed Declaration in Opposition to Motion for Summary Judgment and in Support of Motion for Summary Judgment; Default Judgment and to Strike of Anthony F. Giuliano dated March 15, 2022 and the Declaration of John Petrozza, sworn to on March 15, 2022; the Declaration of Lisa

Basich sworn to on March 15, 2022 and upon the pleadings and prior proceedings had herein, and upon the papers submitted by Plaintiff Howard M. Ehrenberg in his capacity as Liquidating Trustee of Orion HealthCorp, Inc. *et al.* (the “Plaintiff”), the Defendants Abruzzi Investment LLC and John Petrozza (collectively, the “Defendants”), Defendants in the above-captioned adversary proceeding, hereby opposes the motion for summary judgment filed by Plaintiff and moves for the following relief: (i) summary judgment dismissing the Complaint with prejudice; (ii) default judgment for Plaintiff’s failure to answer the Defendants’ counterclaim; and (iii) striking the affidavits of Frank A. Lazzara and Edith Wong along with all exhibits filed in support of Plaintiff’s motion.

PLEASE TAKE FURTHER NOTICE, that a telephonic hearing (the “Hearing”) on the relief requested in the Motion will be held before the Honorable Alan S. Trust, Chief United States Bankruptcy Judge for the Eastern District of New York, Courtroom 960, United States Bankruptcy Court for the Eastern District of New York, Alfonse M. D’Amato U.S. Courthouse, 290 Federal Plaza, Central Islip, New York 11722 (the “Bankruptcy Court”) on May 25, 2022 at 2:00 p.m.

PLEASE TAKE FURTHER NOTICE, that, in order to attend the Hearing, in accordance with the Bankruptcy Court’s rules and procedures, all parties are required to register for the Hearing at least two (2) business days in advance of the Hearing by using the Courts eCourt appearance platform: <https://ecf.nyeb.gov/cgi->

[bin/nyebAppearances.pl](#). The Courts relevant rules and procedures for attending the Hearing are set forth more fully at <https://www.nyeb.uscourts.gov/content/chief-judge-alan-s-trust>.

Dated: April 11, 2022

GIULIANO LAW, P.C.
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By: /s/ Anthony F. Giuliano
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